

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 15146-011001
	Application Number 10/758,277	Filed January 16, 2004
	First Named Inventor Genichi Imamura	
	Art Unit 2622	Examiner Brian P. Yenke
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor. _____ /Diana DiBerardino/</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) _____ Signature</p> <p><input checked="" type="checkbox"/> attorney or agent of record <u>45,653</u> (Reg. No.) _____ <u>(202) 783-5070</u> Telephone number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ <u>June 15, 2007</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of 6 pages are submitted.</p>		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Genichi Imamura	Art Unit :	2622
Serial No. :	10/758,277	Examiner :	Brian P. Yenke
Filed :	January 16, 2004	Conf. No. :	5149
Title :	VIDEO SIGNAL LEVEL MONITORING APPARATUS		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 – New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is transmitted with the Notice of Appeal. Review of these identified matters by a panel of examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to address additional matters on appeal in any subsequent appeal brief are reserved.

Claims 1-7 are pending, with claim 1 being independent.

Claims 1-7 have been rejected as being unpatentable over Fig. 2 of applicant's own disclosure (Fig. 2) in view of U.S. Patent No. 6,389,070 (Cugnini). Applicant requests withdrawal of this rejection.

Applicant specifically asks the panel to review the issues highlighted below.

Any proper combination of Fig. 2 and Cugnini would still fail to teach displaying each of an amplitude value of a color component (C) and a luminance component (Y) in a one-dimensional direction such that one of the amplitude values is superposed on the other of the amplitude values and the amplitude value of the color component (C) is a peak-to-peak value, as recited in claim 1.

Independent claim 1 recites a video signal level monitoring apparatus that monitors the level of a video signal. The apparatus includes means for inputting a first color difference component (Cb) and a second color difference component (Cr) of a component video signal, means for inputting a luminance component (Y) of the component video signal as a luminance component (Y) of a composite video signal, and means for generating a color component (C) of

the composite video signal from the first color difference component and the second color difference component. The apparatus also includes means for displaying each of the amplitude values of the color component (C) and the luminance component (Y) in a one-dimensional direction. One of the amplitude values is superposed on the other of the amplitude values, and the amplitude value of the color component (C) is a peak-to-peak value.

Fig. 2 of applicant's own disclosure shows a diagram of a display for controlling the level of a National Television System Committee (NTSC) composite signal converted from a Y/color difference component signal. See page 2, lines 4-7 and Fig. 2. The NTSC composite signal is a vector formed of a luminance component Y and a color component C. However, Fig. 2 does not describe or suggest a means for displaying each of the amplitude values of the color component C and the luminance component Y in a one-dimensional direction, where one of the amplitude values is superposed on the other of the amplitude values, and the amplitude value of the color component C is a peak-to-peak value. Rather, Fig. 2 is a display that shows the amplitude values in two dimensions, where the first dimension is labeled as "C AMPLITUDE" and the second dimension is labeled as "Y AMPLITUDE."

Realizing this deficiency, the Office first states that the "use of a bar graph (one-dimension), pie chart or line display are options which are typical/conventional options in displaying relationships between/of variable(s)" and cites Cugnini as an example of a bar graph, arguing that Cugnini "discloses a single bar graph which includes multiple [sic] relationship to multiple variables (Fig. 4b)." Applicant disagrees because Fig. 4B of Cugnini does not show displaying two amplitude values in a one-dimensional direction where one of the amplitude values is superposed on the other of the amplitude values.

Fig. 4B of Cugnini is a "graphic representation of the signal quality" received at a digital television receiver. See Cugnini at col. 5, line 58 to col. 6, line 30 and Fig. 4B. The graphic representation shown in Fig. 4B is generated by a graphics generator 44' which outputs the representation based on a signal from a processor 56. See Cugnini at col. 5, lines 28-67 and Fig. 7. The processor 56 receives signals FE LOCK, EQ LOCK, and AGC-2 as well as weighting coefficients and error data from the demodulator 46'. See Cugnini at col. 5, lines 61-67. The processor 56 outputs the signal quality in the form of a main rectangle where a small sized graph

indicates poor signal quality and a large sized graph indicates good signal quality. See Cugnini at Fig. 4B. Thus, if the demodulator 46' does not find a valid signal and is not able to achieve a lock, the processor 56 outputs a low signal quality. See Cugnini at Fig. 4B. If the demodulator 46' is able to lock onto a sync sequence of the incoming signal (represented by the term FE LOCK), then the processor 56 outputs a signal quality that extends to the "FE LOCK" limit (the main rectangle extends to the FE LOCK line), as shown in Fig. 4B of Cugnini. As a further example, if the processor 56 determines that a threshold of visibility has been reached (that is, there are less than 2.5 segment errors per second), then the processor 56 outputs a signal quality that extends to the "TOV" limit (the main rectangle extends to the TOV line), as shown in Fig. 4B of Cugnini. Thus, the bar or main rectangle represents each of the states, and merely displays one value, the signal quality (which can be NO SIGNAL, FE LOCK, EQ LOCK, TOV, NO ERRORS, or IDEAL SIGNAL). The values NO SIGNAL, FE LOCK, EQU LOCK, TOV, NO ERRORS, AND IDEAL SIGNAL represent units of the variable signal quality.

Accordingly, Cugnini's graphic representation of the main rectangle does not display at least two amplitude values; rather, it displays only one value, that is, the signal quality. Moreover, because Cugnini's main rectangle lacks a display of at least two amplitude values, Cugnini's main rectangle also necessarily lacks a display in which one of the amplitude values is "superposed on" another of the amplitude values.

Cugnini's graphic representation also includes a triangular portion at the end of the main rectangle; the triangular portion "corresponds to the quality of the signal above the last state and is proximate to the next state". See Cugnini at col. 6, lines 21-34 and Fig. 4B. However, there is no suggestion that such triangular portion is a different amplitude value than the main rectangle or that the triangular portion would be superposed on the main rectangle. Rather, Cugnini explains that the triangular portion is placed "at the end of the main rectangle" and also corresponds to the quality of the signal (as does the main rectangle).

Thus, for at least these reasons, the Office has failed to establish a prima facie case of obviousness, which requires that the combination of references teach or suggest each element of the claim.

One of ordinary skill in the art would not have been motivated to modify Fig. 2 of applicant's own disclosure in the manner suggested by the Office.

One of ordinary skill in the art would not have been motivated to modify Fig. 2 in the manner suggested to provide for a display of each of the amplitude values in a one-dimensional direction, where one of the amplitude values is superposed on the other of the amplitude values. In particular, it makes no sense to do so because Cugnini displays a single value, the signal quality, while Fig. 2 displays two values, the luminance component Y and the color component C. Thus, modification of Fig. 2 with Cugnini's display would provide for a display of either the luminance component Y or the color component C.

Thus, for at least these additional reasons, the Office has failed to establish a prima facie case of obviousness, which requires that some motivation to modify the references be shown.

In response to applicant's reply of April 16, 2007, the Examiner asserts in the Advisory Action that Cugnini was used "to illustrate that a graph of multiple signals can be placed on one graph/chart/superposed" and that in Fig. 4B of Cugnini "the quality signal is shown to annotate where different parameters occur within one such [sic] graph (wherein alternatively, separate lines/charts/graph could be used for each parameter), this concept of a single graph for multiple variables is evidence that such design choices/options in displaying variables/parameters is known." However, as discussed above, Cugnini's main rectangle only displays a single value, the signal quality. The various items (NO SIGNAL, FE LOCK, EQ LOCK, TOV, NO ERRORS, or IDEAL SIGNAL) merely indicate the level of the signal quality and they are not amplitude values; that is, the processor displays only the signal quality, which can range from the level of NO SIGNAL (if the demodulator is not able to find a valid signal or to achieve a lock) up to IDEAL SIGNAL (if the demodulator determines there are no errors). Moreover, these various levels (NO SIGNAL, FE LOCK, EQ LOCK, TOV, NO ERRORS, or IDEAL SIGNAL) in Cugnini's display are not superposed on each other. Rather, they are separated from each other, as shown in Fig. 4B.

Accordingly, for at least these reasons, claim 1 is allowable over any proper combination of Fig. 2 of applicant's disclosure and Cugnini. Claims 2-7 depend from claim 1, and are allowable for at least the reason that claim 1 is allowable, and for containing allowable subject matter in their own right. For example, claim 7 recites that the display means displays the waveform of the video signal. However, neither Fig. 2 of applicant's disclosure nor Cugnini describes or suggests such a display means.

The fees in the amount of \$475 for the two-month extension of time (\$225) and the appeal fee (\$250) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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